

**FY 2016 Follow-up Federal Annual Monitoring and Evaluation
(FAME) Report**

**State of Illinois
Illinois Department of Labor
Illinois OSHA**



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I. Executive Summary

A. State Plan Activities, Trends, and Progress

The purpose of this Follow-up Federal Annual Monitoring Evaluation (FAME) Report is to assess the state's progress towards achieving performance goals established in their Federal Fiscal Year (FY) 2016 Annual Performance Plan, to review the effectiveness of programmatic areas related to state and local government enforcement activities and to describe corrections made by the state in response to the FY 2015 FAME Report findings and recommendations. This report assesses the current performance of the Illinois Department of Labor (IDOL) – Occupational Safety and Health Division 23(g) compliance program.

FY 2016 witnessed continuous improvement and consistent progress towards meeting the established FY 2016 goals. Illinois continued to excel in SAMM #5, the average number of violations per inspection with violations by violation type. At 2.16 serious, willful, and repeat violations per inspection with violations during FY 2016, Illinois exceeded the further review level of +/- 20% of 1.87 (1.50-2.24). Illinois OSHA revised the Five Year Strategic Plan in FY 2015 to better define goals, clarify objectives and establish clear performance measures. The revised Five Year Strategic Plan made the implementation of incremental activity measures in the FY 2016 Annual Performance Plan achievable. Throughout FY 2016, new strategies were implemented as appropriate and previous strategies were assessed and analyzed to ensure divisional goals were met and/or exceeded for all three Strategic Goals. Illinois OSHA met 14 of its 16 Performance Goals.

However, the State Plan had difficulty meeting the further review level (FRL) for several of the SAMM measures. These SAMM measures include:

- SAMM #7 - Planned vs. actual inspections – safety/health
- SAMM #9 – Percent in compliance – health inspections
- SAMM #14 – Percent of 11(c) investigations completed within 90 days
- SAMM #16 – Average number of calendar days to complete an 11(c) investigation

The State Plan failed to meet their overall projected inspection goal of 700 inspections. The program conducted 495 inspections, representing 71% of the FY 2016 goal. The leading factor affecting Illinois OSHA's ability to meet their projected inspection goals was related to staff turnover and difficulty filling vacancies. The leading factor impacting SAMM #9, percent in compliance – health inspections, is related to the high percentage of in compliance inspections completed within Elementary and Secondary Schools (a newly added area of emphasis in the FY 2016 Annual Performance Plan). Sixty-one percent of these inspections resulted in "in compliance" inspections and as a result the State Plan shifted targeting resources mid-year. Illinois OSHA's whistleblower program was first initiated during FY 2015, and FY 2016 was the first full year in operation. Since only two whistleblower cases were completed in FY 2016, there is insufficient data for an objective and consistent analysis of any trends in this area. However, those two cases show an average of 258 calendar days to complete an 11(c) investigation, which is well beyond the further review level of 100%

completed within 90 days for SAMM #14 and #16. Each of the issues related to SAMMs #7, 9, 14 and 16 are addressed in either a finding or an observation in this report.

In FY 2015, a comprehensive on-site case file review was conducted that resulted in nine separate findings. The State Plan took corrective action on all nine of the FY 2015 findings and these remain open, but are listed as awaiting verification in the FY 2016 FAME Report. The completion and effective implementation of the corrective actions will be verified during next year's comprehensive FAME on-site case file review. The three observations from the FY 2015 FAME Report are continued in this report and two new observations were identified in FY 2016. A list of all the active findings and recommendations is found in Appendix A, New and Continued Findings and Recommendations. New and continued observations are listed in Appendix B, Observations Subject to New and Continued Monitoring. A more detailed explanation of the progress made on FY 2015 findings and recommendations is found in Section III, Assessment of State Plan Performance.

B. State Plan Introduction

IDOL – Illinois OSHA operates a state and local government only OSHA State Program. The Illinois State Plan is administered by Illinois OSHA under the leadership of the Director of IDOL. Illinois OSHA impacts state and local government by enforcing safety and health standards, providing consultation services, investigating occupational safety and health whistleblower discrimination complaints, adopting Federal OSHA standards and providing outreach services.

The Illinois State Plan was approved as a Developmental Plan on September 1, 2009. Illinois OSHA originally had three years to complete the developmental steps established in the September 1, 2009 Federal Register notice. Since that time, Illinois OSHA requested multiple two year extensions to complete the developmental steps. The last request for an extension was submitted on September 29, 2016, requesting an extension to September 30, 2017. This extensive request was designed to give IOSHA time to fill staff vacancies.

The Illinois OSHA Division consists of a Division Manager, two Assistant Enforcement Managers, two Administrative Assistants, 10 Safety Inspectors, four Industrial Hygienists, a State Plan Coordinator and a Marketing/OIS Coordinator. One existing Assistant Enforcement Manager and one existing Safety Inspector spend a portion of their time staffing Illinois OSHA's Whistleblower Investigation Program. The enforcement manager and safety inspector spend an estimated ten percent of their time investigating whistleblower complaints. At the start of FY 2016, staffing levels consisted of 12 Safety/Health Inspectors (10 fully trained), which is two short of Illinois' expected staffing level of 14 Safety/Health Inspectors. Over the course of FY 2016, two inspectors retired, one moved to consultation, one spent most of their time on whistleblower cases, and three resigned, leaving Illinois OSHA with only five inspectors at the end of FY 2016. As of June 15, 2017, Illinois OSHA has four safety inspectors and two health inspectors on board, and has posted hiring notices for two additional safety inspectors and one additional health inspector.

In FY 2016, the funding base award of \$1,527,100 was maintained at the FY 2015 level. In July of FY 2016, the State Plan de-obligated \$623,000 due to position vacancies and the associated reduction in inspection activity.

Illinois OSHA provides consultation services to state and local government employers through the sharing of 21(d) Consultation Program employees. Two Consultation Supervisors spend a small portion of their time (5%) on supervision of the state and local government consultations. In FY 2016, four 21(d) consultants split their time, allocating 25% of their time assisting public employers under the 23(g) State Plan grant.

C. Data and Methodology

OSHA has established a two-year cycle for the FAME process. FY 2016 is the follow-up year, focusing on progress made on findings from the previous year's findings, and as such, OSHA did not perform any on-site case file review. This strategy allows the State Plan to focus on correcting deficiencies identified in the most recent comprehensive FAME.

In preparing the FY 2016 Follow-up FAME Report, multiple data sources were reviewed and utilized. The data sources include: the FY 2016 State OSHA Annual Report (SOAR); the FY 2015 Corrective Action Plan (CAP); any Complaints About State Program Administration (CASPs) received during FY 2016; the FY 2016 State Activity Mandated Measures (SMM) Report; and the FY 2016 23(g) State and Local Government Only State Plan Grant Application.

D. Findings and Observations

In FY 2016, OSHA identified nine findings, all of which are continued from the FY 2015 FAME Report. (See Appendix A – New and Continued Findings and Recommendations). OSHA identified three observations that continue from the FY 2015 FAME Report and two new observations. (See Appendix B – Observations Subject to New and Continued Monitoring). In FY 2016 the State Plan took corrective action on all of the FY 2015 findings; these are now listed with a status of “awaiting verification” and will be verified during on-site case file review in next year's comprehensive FAME. The State Plan addressed the majority of the findings (five) associated with case file documentation by conducting training with the assistance of the Regional OSHA Office in August 2016.

II. Assessment of State Plan Performance

A. Major New Issues

The IDOL – Illinois OSHA Five-Year Strategic Plan was revised in 2015 to implement new procedures and modify existing processes in an effort to achieve significant program results and make progress toward meeting their annual goals. The changes included developing a Site-Specific Targeting (SST) plan, implementing metric based tracking and accountability systems, and legislatively changing and rebranding the Illinois OSHA program. With the revision and

improvements, Illinois OSHA witnessed an increase in the State Plan's success in achieving their annual performance goals compared to previous years.

As a part of the FY 2015 revision, Illinois OSHA identified Elementary and Secondary Schools (NAICS 6111) as having the largest employee based occupation in which they provided enforcement coverage. To properly assess the hazards associated with these work environments, Elementary and Secondary Schools were added to their programmed planned inspection goals as Annual Performance Goal #1.6.

In the third quarter of FY 2016, Illinois OSHA realized that program planned inspections for schools was not a good use of Illinois OSHA's resources as a high amount of the inspections led to limited or no serious hazards identified or addressed. Additionally, no outreach/training and education visits were conducted or Alliances/Partnerships established. Out of the 117 inspections conducted in this Elementary and Secondary Schools, only 39% resulted in issued violations. Sixty-one percent of these inspections had no violations issued and resulted in "in compliance" inspections. As a result, Illinois OSHA experienced an increase in SAMM measure #9 "percent in compliance." The increase resulted in the health inspection "percent in compliance" rates to exceed the further review levels. Please refer to section titled, "*SAMM #9 – Percent In Compliance*" in Section II.C for discussion of the related Observation FY 2016-OB-04. Illinois OSHA suspended its focus on Elementary and Secondary Schools mid-year, in order to reallocate their limited resources to other high hazard industries.

OSHA received two Complaints About State Program Administration (CASPA) during FY 2016: CASPA 2016-8 and CASPA 2016-9.

- CASPA 2016-8 alleged several items associated with a safety inspection to include: Illinois OSHA accepted abatement documentation associated with workplace violence training that did not meet the necessary criteria; the inspection was not handled according to required time frames; an adequate number of employees were not interviewed; the citations were not properly posted; and the employer's abatement was not complete. OSHA issued a "results of investigation" letter in June 2016. It was determined that Illinois OSHA conducted the inspection in accordance with their Field Operations Manual (FOM) and no CASPA findings were identified.
- CASPA 2016-9 contained two allegations: 1) Illinois OSHA violated protected health information by requesting and receiving a medical record from the complainant and providing it to the complainant's employer without authorization during the state's inspection; and 2) Illinois OSHA did not contact the complainant regarding the complaint and did not ensure the citation was properly posted. OSHA determined that Illinois OSHA did not receive any medical records with protected health information from the complainant, nor was there any protected health information released to the complainant's employer. Additionally, Illinois OSHA followed their established statutes, rules, and directives regarding posting of the citation and in evaluating whether or not the complaint contained enough information to validate and take action without further contact with the complainant. OSHA did not identify any findings as a result of this CASPA.

B. Assessment of State Plan Progress in Achieving Annual Performance Goals

The IDOL – Illinois OSHA Five-Year Strategic Plan identifies three, fundamental strategic goals to reduce workplace injuries, illnesses, and fatalities in state and local government worksites throughout Illinois. These include: 1) improve workplace safety and health for all public employees as evidenced by fewer hazards, reduced exposures and fewer injuries, illnesses, and deaths; 2) promote safety and health values in the state and local government workplaces throughout Illinois; and 3) invoke public confidence through excellence in the development and delivery of Illinois OSHA programs and services. The FY 2016 Annual Performance Plan provided the framework for accomplishing the goals of the Illinois OSHA Strategic Management Plan by establishing specific performance goals for the fiscal year.

In the FY 2016 State OSHA Annual Report (SOAR), Illinois OSHA provided information that outlined their accomplishments in meeting their strategic goals. The information has been reviewed and analyzed to assess their progress in meeting performance plan goals. Through effective resource utilization, partnership development, outreach activities, and an overall commitment to performance goal achievement, Illinois OSHA has met or exceeded all three of its Strategic Goals and 14 of 16 of its Performance Goals.

Strategic Goal # 1 - Improve workplace safety and health for all public employees as evidenced by fewer hazards, reduced exposures and fewer injuries, illnesses and deaths.

Results: This goal was met.

Discussion: Illinois OSHA uses a high hazard inspection targeting system based on OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections (January 4, 1995), to establish six specific performance goals associated with areas of emphasis in the current Site-Specific Targeting (SST) plan that include:

- Goal 1.1 – State Support Activities for Transportation (NAICS 488)

BASELINE	FY 2020 TARGET	FY 2016 RESULTS	% CHANGE
7.3 Total Recordable Cases (TRC) (averaged BLS 2009-2012 for NAICS 488)	2% Reduction in TRC	7.7 (2015 BLS data)	5% Increase in TRC

- Goal 1.2 – State Nursing and Residential Care Facilities (NAICS 623)

BASELINE	FY 2020 TARGET	FY 2016 RESULT	% CHANGE
13.2 Total Recordable Cases (TRC) (averaged BLS 2009-2012 for NAICS 623)	2% Reduction in TRC	12.0 (2015 BLS data)	9% Reduction in TRC

- Goal 1.3 – Local Fire Protection (NAICS 92216)

BASELINE	FY 2020	FY 2016	%
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	TARGET	RESULTS	CHANGE
10.6 Total Recordable Cases (TRC) (averaged BLS 2009-2012 for NAICS 488)	2% Reduction in TRC	9.5 (2015 BLS data)	10% Reduction in TRC

- Goal 1.4 – Departments of Public Works (NAICS 926120)

BASELINE	FY 2020 TARGET	FY 2016 RESULTS	% CHANGE
7.7 Total Recordable Cases (TRC) (averaged BLS 2009-2012 for NAICS 488)	2% Reduction in TRC	7.0 (2015 BLS data)	9% Reduction in TRC

- Goal 1.5 – Water and Sewage Treatment Facilities (NAICS 2213)

BASELINE	FY 2020 TARGET	FY 2016 RESULTS	% CHANGE
6.2 Total Recordable Cases (TRC) (averaged BLS 2009-2012 for NAICS 488)	2% Reduction in TRC	6.2 (2015 BLS data)	0% Reduction in TRC

- Goal 1.6 – Elementary and Secondary Schools (NAICS 6111) (as noted above, targeting in this area was suspended in the third quarter of FY 2016)

BASELINE	FY 2020 TARGET	FY 2016 RESULTS	% CHANGE
3.8 Total Recordable Cases (TRC) (averaged BLS 2009-2012 for NAICS 488)	2% Reduction in TRC	1.9 (2015 BLS data)	50% Reduction in TRC

Illinois OSHA established measurable goals for each of these emphasis areas based on Bureau of Labor Statistics (BLS) injury/illness rate data and activity goals designed to meet the goal. The BLS data and the SST plan helped Illinois OSHA meet activity measures and achieve its goal of reducing the number of injuries and illnesses that occur at public employer establishments by directing enforcement resources to those establishments where the highest rate of injury and illness has occurred.

For Goal 1.1 – State Support Activities for Transportation (NAICS 488), there was an increase in the Total Recordable Cases (TRC) rate from the baseline of 7.3 to 7.7 in FY 2016. While this area experienced an increase from the Baseline TRC rate, Illinois OSHA recognized this industry required an increased element of focus and increased their efforts associated with this industry. Illinois OSHA met or exceeded each of the Activity Measure’s planned in this industry:

Activity Measure Goal 1.1 – State Support Activities for Transportation (NAICS 488)	FY 2016 Goal	FY 2016 Results
Inspections Conducted	5	44
Consultation Visits Conducted	1	1
Outreach/Training And Education Seminar Conducted	1	2

Marketing Materials Distributed	50	1,448
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It is expected that through continued efforts and increased focus on this industry in the future years, Illinois OSHA will be able to meet the targeted goal of a 2% reduction by FY 2020.

In four of the goal areas (goals 1.2, 1.3, 1.4, and 1.6), Illinois OSHA exceeded the targeted reduction rates and in one area, Goal 1.5 – Water and Sewage Treatment Facilities (NAICS 2213), there was no change in the Total Recordable Cases (TRC). While this area did not experience a direct reduction from the baseline TRC rate, Illinois OSHA met or exceeded each of the activity measures planned in this industry. It is expected that through continued efforts Illinois OSHA will be able to meet the targeted goal of a two percent reduction by FY 2020.

Strategic Goal # 2 - Promote safety and health values in the state and local government workplaces in Illinois.

Results: This goal was met.

Discussion: Illinois OSHA established four specific performance goals associated with promoting safety and health values in the state and local government workplaces. These performance goals include:

- Goal 2.1 – All of Illinois OSHA activities (100%) will include employee involvement.

BASELINE	FY 2016 TARGET	FY 2016 RESULTS	% CHANGE
100% of Illinois OSHA Enforcement and Consultation activities will include employee involvement.	494 Inspections conducted	494 Inspections included employee involvement	100%
	29 Consultations conducted	29 Consultations included employee involvement	100%

- Goal 2.2 – Award Safety and Health Achievement Recognition (SHARP) to five new public sector worksites by 2020; awarding one each year.

BASELINE	FY 2016 TARGET	FY 2016 RESULTS	% CHANGE
Award Safety and Health Achievement Recognition (SHARP) to one new public sector worksites per year.	1	1	100%

- Goal 2.3 – All of Illinois OSHA’s public sector initial Consultation visits (100%) will include site-specific recommendations to improve the safety and health program management system at that facility.

BASELINE	FY 2016 TARGET	FY 2016 RESULTS	% CHANGE
100% of public sector consultation visits conducted included site specific recommendations to improve safety and health program management.	29 consultation visits conducted	29 consultation visits included site specific recommendations	100%

- Goal 2.4 – Conduct compliance assistance activities for high hazard industry organizations/groups concerning the hazards of relevant NEPs and OSHA directives and promote Illinois OSHA’s On-Site Consultation services. The focus of the activities includes high hazard industries in NAICS 488, 926120, 2213, and 92216.

BASELINE	FY 2016 TARGET	FY 2016 RESULTS	% CHANGE
Perform seven compliance assistance activities, increase by one each year.	8	10	125%

Illinois OSHA established measurable goals and activity measures for each of these performance elements and either met or exceeded each goal in FY 2016.

Strategic Goal #3 - Invoke public confidence through excellence in the development and delivery of Illinois OSHA’s programs and services.

Results: This goal was met.

Discussion: : Illinois OSHA established four specific performance goals associated with invoking public confidence through excellence in the development and delivery of Illinois OSHA’s programs and services. These performance goals include:

- Goal 3.1 – Initiate inspections of fatal incidents and catastrophes within one working day of notification for 100% of occurrences to prevent further injuries or deaths. Enlist the services of other agencies to make reporting requirements more user-friendly and accessible to the public sector constituency.

BASELINE	FY 2016 TARGET	FY 2016 RESULTS	% CHANGE
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Initiate inspections of fatal incidents and catastrophes within one working day of notification.	6 fat/cat received	6 fat/cat Investigated within one day.	100% Within one working day
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- Goal 3.2 – Initiate 100% of safety and 95% of health complaint inspections within five days of notification, excluding indoor air quality and sanitation issues.

BASELINE	FY 2016 TARGET	FY 2016 RESULTS	% CHANGE
Safety – Initiate 100% of safety complaint inspections within five days of notification.	28 Safety complaints received	28 Investigated within an average of 3.1 days.	100% Investigated within five days
Health – Initiate 95% of health complaint inspections within five days of notification, excluding indoor air quality and sanitation issues.	9 Health complaints received	9 Investigated within an average of 3.1 days	100% Investigated within five days
Safety & Health – Initiate 100% of safety complaint inspections within five days of notification.	7 Safety and Health complaints received	7 Investigated within an average of 3.1 days	100% Investigated within five days

- Goal 3.3 – Survey customer satisfaction rates for consultation visits in the public sector and ensure that 90% of the services are rated four or higher on a scale of one to five, with five being the most effective.

BASELINE	FY 2016 TARGET	FY 2016 RESULTS	% CHANGE
Customer satisfaction surveys for consultation visits in the public sector are rated four or higher.	2 consultation surveys received	2 scored four or higher	100% scored four or higher

- Goal 3.4 – Each year, increase the number of compliance assistance activities (i.e., direct mailings, advertising, newsletters, etc.) conducted or distributed in the public sector.

BASELINE	FY 2016 TARGET	FY 2016 RESULTS	% CHANGE
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Perform seven compliance assistance activities, increase by one each year.	8 compliance assistance activities	10 compliance assistance activities	125%
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Illinois OSHA established measurable goals and activity measures for each of these performance elements and either met or exceeded each goal in FY 2016.

C. Highlights from the State Activity Mandated Measures (SAMM)

Data from the FY 2016 State Activity Mandated Measures (SAMM) Report (Appendix D) was reviewed for deficiencies and notable changes. The SAMM consists of performance indicators, the expected performance reference or standard, and the State Plan performance data. The State Plan’s performance is compared to the criteria established by regulation, grant agreement, negotiation with OSHA, or national data. Illinois OSHA either met or exceeded most of the further review levels for FY 2016. Mandated measures where the State Plan fell outside the further review levels are discussed below.

SAMM #3 - Planned v. actual inspections – safety/health

Results: Illinois OSHA established a projected goal of 700 inspections: 500 Safety and 200 Health. In FY 2016 they completed 376 safety and 119 health inspections for a total of 495 inspections. This represents 75% of their goal for safety inspections and 60% of their goal for health inspections.

Discussion: In FY 2015 Illinois OSHA implemented a methodology to better project the total number of inspections the State Plan is able to accomplish. The methodology used assumed a fully staffed and trained division of 12 inspectors, 40 available weeks in the year, and an average of 1.25 inspections per week per safety/health inspector.

Illinois OSHA continues to struggle to fill staff vacancies. The Illinois Department of Central Management Services (CMS) Bureau of Personnel Division of Examining and Counselling has oversight for over 950 position titles under the jurisdiction of the Governor. The current Illinois hiring process has significant delays and a backlog in filling positions throughout the state. This may result in as much as 12+ months to elapse between the posting of a position and the interview process. Additional hiring challenges include the fact that the State of Illinois has not had a state budget in place for almost two years. Illinois OSHA is continuing to work with CMS in an effort to fill existing vacancies in a timely manner and to be more responsive when positions become vacant.

As previously noted, Illinois OSHA staffing was impacted due to employee turnover. In FY 2016 two inspectors retired, one transitioned to consultation, one dedicated a significant percentage of time investigating whistleblower cases and three inspectors resigned. These staffing changes resulted in a staffing availability level of 66% for FY 2016.

At 66% staffing levels, Illinois completed 495 inspections in FY 2016. It would be reasonable to extrapolate that if Illinois was fully staffed, they could easily surpass their 700 inspection goal, by conducting somewhere around 750 inspections. Despite some improvement to Illinois’ monitoring and management of their staffing resources, staffing vacancies remain a very real and impactful challenge to the program. Illinois OSHA’s inability to be fully staffed and complete the full 700 projected inspections continues to be a concern and OSHA will continue to monitor and track this issue through Observation FY 2016-OB-01 as noted in Appendix B – Observations Subject to New and Continued Monitoring.

SAMM #9 – Percent in compliance

Results: Forty-eight percent of Illinois OSHA’s health inspections were “In Compliance”, meaning no violations were issued. This exceeds the further review level of 35.68% in compliance inspections.

Discussion: As previously discussed, Illinois OSHA’s in compliance rate was inflated for FY 2016 because of enforcement targeting efforts in the Elementary and Secondary Schools (NAICS 6111), resulting in a high percent of in compliance inspections and contributed to the in compliance rate for health inspections being outside the further review level.

Percent in Compliance SAMM Measure #9				
	FY 2015	Further Review Level	FY 2016	Further Review Level
Safety	22.34%	34.16%	30.18%	34.62%
Health	37.93%	40.30%	48.08%	42.82%

This issue will be monitored and tracked through a new observation as noted in Appendix B – Observations Subject to New and Continued Monitoring.

Observation FY 2016-OB-04 (New): The Illinois OSHA health inspection “Percent In Compliance” level is 48.08%, exceeding the “further review level” of 42.82%.

SAMM #14 – Percent of 11(c) investigations completed within 90 days

SAMM #16 – Average number of calendar days to complete an 11(c) investigation

Results: SAMM #14 and SAMM #16 are directly associated with the time it takes for Illinois OSHA to complete a whistleblower investigation and focus on completing 100% of whistleblower investigations within an average of 90 days. During FY 2016, Illinois OSHA completed two investigations in an average of 258 calendar days.

Discussion: Illinois OSHA’s whistleblower program was first initiated during FY 2015 with FY 2016 being the first full year in operation. During the FY 2015 comprehensive audit, three findings were associated with the State Plan’s whistleblower program and are carried forward as findings for the FY 2016 FAME. Finding FY 2016-07, Finding FY

2016-08, and Finding FY 2016-09 are all associated with the State Plan's Whistleblower Protection Program complaint screening and intake processes.

As previously noted, this is the first year in which there is any statistical case information to evaluate the Illinois OSHA Whistleblower Protection Program. Due to only two whistleblower cases being completed, there is insufficient data for an objective and consistent analysis of any trends in these areas to support additional findings.

However, since Illinois OSHA took an average of 258 calendar days to complete two 11(c) investigations and exceeded the 90 day further review level, it was determined that this issue warrants a new observation to determine if this trend will continue and impact the effectiveness of the program.

Observation FY 2016-OB-05 (New): Whistleblower investigations averaged 258 days to complete, exceeding the further review levels in SAMM #14 and #16. These measures require that 100% of the investigations are completed in 90 days and that all whistleblower investigations are completed in an average of 90 days, respectively.

III. Assessment of State Plan Corrective Actions

In FY 2016, Illinois OSHA took corrective action on all nine findings from the FY 2015 Comprehensive FAME Report. The actions taken have resulted in all of the findings being listed as "awaiting verification" and will be verified during on-site case file review in next year's comprehensive FAME. A detailed discussion of the status of the FY 2015 findings, as found in Appendix C, Status of FY 2015 Findings and Recommendations, is outlined below. In addition, a status update on FY 2015 observations is also included below.

Finding FY 2015-01 (FY 2016-01): In 100% of the Petition for Modification of Abatement Date (PMA) requests information documenting interim worker protection during the abatement period was not included as required by Chapter 7 of the Illinois FOM.

Status: Awaiting Verification. On May 19, 2016, Illinois OSHA created a new PMA form that will ensure that all PMA requests document interim worker protection during the abatement period. Use of the PMA form will be verified during the FY 2017 on-site case file review.

Finding FY 2015-02 (FY 2016-02): In 37% (17 of 45) of case files reviewed, apparent violations were not addressed by a citation as required by Chapter 5 of the Illinois FOM.

Status: Awaiting Verification. On August 23-26, 2016, training was conducted for all staff members to ensure pre-citation review of case files focus on identifying hazards and ensuring all apparent violations are addressed through the citation process. Case files will be reviewed during the FY 2017 Comprehensive FAME process to ensure that the training addressed the finding.

Finding FY 2015-03 (FY 2016-03): In 29% (13 of 45) of the files reviewed, citation classification was not supported by the information in the case file violation worksheet as required by Chapter 5 of the Illinois FOM.

Status: Awaiting Verification. On August 23-26, 2016, training was conducted for all staff members to ensure case file violation worksheets describe the observed hazardous conditions or practices, including all relevant facts to support the citation classification. Case files will be reviewed during the FY 2017 Comprehensive FAME process to ensure that the training addressed the finding.

Finding FY 2015-04 (FY 2016-04): Adequate documentation of the information required to support the violations was not included in 75% (33 of 45) of the files reviewed.

Status: Awaiting Verification. On August 23-26, 2016, training was conducted for all staff members on the necessary elements that needed to be documented to support each violation. Case files will be reviewed during the FY 2017 Comprehensive FAME process to ensure that the training addressed the finding.

Finding FY 2015-05 (FY 2016-05): Documentation of adequate employer abatement was not included in 29% (11 of 38) of the case files reviewed as required by Chapter 7 of the Illinois FOM.

Status: Awaiting Verification. On August 23-26, 2016, training was conducted for all staff members to ensure that employer abatement verification documentation, including abatement certification, documents, plans, and progress reports, are included in the case file. Case files will be reviewed during the FY 2017 Comprehensive FAME process to ensure that the training addressed the finding.

Finding FY 2015-06 (FY 2016-06): Inquiry procedures associated with adequate abatement evidence (44% of the files reviewed) and employer abatement response times (56% of the files reviewed) were not adhered to in accordance with Chapter 9 of the Illinois FOM.

Status: Awaiting Verification. On August 23-26, 2016, training was conducted for all staff members to ensure inquiry processing procedures are followed, to include appropriate response times and information needed to answer an inquiry from an employer, as outlined in Chapter 9, Paragraph G of the Illinois FOM. Case files will be reviewed during the FY 2017 Comprehensive FAME process to ensure that the training addressed the finding.

Finding FY 2015-07 (FY 2016-07): Whistleblower intakes/complaints, which were dismissed as administratively closed, did not document supervisor concurrence nor did the closing letters to the complainants document the complainant's concurrence in accordance with the Illinois Whistleblower Investigations Manual Chapter 2.

Status: Awaiting Verification. From April 18 to April 22, 2016, Illinois OSHA whistleblower staff received technical assistance and training from OSHA's whistleblower staff. On May 13, 2016 Illinois OSHA created administrative closure letter templates. The Enforcement Assistant

Manager (EAM) reviewed procedures with designated whistleblower staff, and the EAM and designated whistleblower staff will ensure compliance with the Illinois Whistleblower Manual procedures. Improvements to the documentation of whistleblower complaints will be verified during the FY 2017 on-site case file review.

Finding FY 2015-08 (FY 2016-08): Whistleblower intakes/complaints were not reviewed for protected activity, knowledge, adverse action and/or nexus and screened in a timely manner in accordance with the Illinois Whistleblower Investigations Manual, Chapter 2. On average it took 5 ½ months to screen a complaint from the date of filing.

Status: Awaiting Verification. From April 18 to April 22, 2016, Illinois OSHA whistleblower staff received technical assistance and training from OSHA whistleblower staff. On March 23, 2016, Illinois OSHA implemented a tracking system to help ensure specific time frames are met, complaints are being screened as soon as possible upon receipt and supervisors are verifying applicable coverage requirements. Timely screening of complaints will be verified during the FY 2017 on-site case file review.

Finding FY 2015-09 (FY 2016-09): Whistleblower intakes/complaints did not include documentation that an interview or telephone conversation was conducted with the complainant in accordance with the Illinois Whistleblower Investigations Manual Chapter 3.

Status: Awaiting Verification. From April 18 to April 22, 2016, Illinois OSHA whistleblower staff received technical assistance and training from OSHA's whistleblower staff. On May 13, 2016, the Enforcement Assistant Manager (EAM) reviewed procedures with designated whistleblower staff. The EAM and designated whistleblower staff members will ensure compliance with the Illinois Whistleblower Manual procedures. Documentation that an interview or telephone conversation was conducted with the complainant in accordance with the Illinois Whistleblower Investigations Manual, Chapter 3, will be verified during the FY 2018 on-site case file review.

Observation FY 2015-OB-01: The actual number of inspections was only 75% of the planned safety inspections (376 of 500) and 60% of health inspections (119 of 200).

Status: Continued. As stated previously, Illinois OSHA's inability to be fully staffed and complete the full 700 projected inspections continues to be a concern and OSHA will continue to monitor and track this issue through quarterly meetings.

Observation FY 2015-OB-02: Documentation for all actions taken during informal conferences was not included in one of the three case files reviewed. This includes changes to citations and who participated in the conference.

Status: Continued. Monitoring activities have indicated an improvement in documenting the actions taken during informal conferences. OSHA will continue to monitor and track this issue through quarterly meetings.

Observation FY 2015-OB-03: The Severity and Probability information lacked clarity due to

contradictory information or the information was not clearly associated with the condition addressed in the citation.

Status: Continued. Monitoring activities have indicated an improvement in documenting the Severity and Probability information. OSHA will continue to monitor and track this issue through quarterly meetings.

Appendix A – New and Continued Findings and Recommendations

FY 2016 Illinois Follow-up FAME Report

Finding FY 2016-#	Finding	Recommendation	Finding FY 2015-# or Finding FY 2015-OB-#
FY 2016-01	In 100% of the Petition for Modification of Abatement Date (PMA) requests, information documenting interim worker protection during the abatement period was not included as required by Chapter 7 of the Illinois FOM.	Illinois OSHA should ensure that all PMA requests include information documenting interim worker protection during the abatement period. Corrective action complete; awaiting verification.	FY 2015-01
FY 2016-02	In 37% (17 of 45) of case files reviewed, apparent violations were not addressed by a citation as required by Chapter 5 of the Illinois FOM.	Illinois OSHA should verify pre-citation review of case files focusing on identifying and ensuring all apparent violations are addressed through the citation process. Corrective action complete; awaiting verification.	FY 2015-02
FY 2016-03	In 29% (13 of 45) of the files reviewed, citation classification was not supported by the information in the case file violation worksheet as required by Chapter 5 of the Illinois FOM.	Illinois OSHA should ensure case file violation worksheets describe the observed hazardous conditions or practices, including all relevant facts to support the citation classification. Corrective action complete; awaiting verification.	FY 2015-03
FY 2016-04	Adequate documentation of the information required to support the violations was not included in 75% (33 of 45) of the files reviewed.	Illinois OSHA must provide staff with appropriate training on the necessary elements needed to be documented to support each violation. Corrective action complete; awaiting verification.	FY 2015-04
FY 2016-05	Documentation of adequate employer abatement was not included in 29% (11 of 38) of the case files reviewed as required by Chapter 7 of the Illinois FOM.	Illinois OSHA should ensure that employer abatement verification documentation, including abatement certification, documents, plans, and progress reports are included in the case file. Corrective action complete; awaiting verification.	FY 2015-05
FY 2016-06	Inquiry procedures associated with adequate abatement evidence (44% of the files reviewed) and employer abatement response times (56% of the files reviewed) were not adhered to in accordance with Chapter 9 of the Illinois FOM.	Illinois OSHA should ensure inquiry processing procedures are followed, to include appropriate response times and information needed to answer an inquiry from an employer, as outlined in Chapter 9, Paragraph G of the Illinois FOM. Corrective action complete; awaiting verification.	FY 2015-06

Appendix A – New and Continued Findings and Recommendations

FY 2016 Illinois Follow-up FAME Report

FY 2016-07	Whistleblower intakes/complaints, being dismissed as administratively closed, did not document supervisor concurrence nor did the closing letters to the complainants document the complainant’s concurrence in accordance with the Illinois Whistleblower Investigations Manual Chapter 2.	Illinois OSHA should utilize administrative closure letters and review procedures in accordance with the Illinois Whistleblower Investigations Manual. Corrective action complete; awaiting verification.	FY 2015-07
FY 2016-08	Whistleblower intakes/complaints were not reviewed for Protected Activity, Knowledge, Adverse Action and/or Nexus and screened in a timely manner in accordance with the Illinois Whistleblower Investigations Manual Chapter 2. On average it took 5 ½ months to screen a complaint from the date of filing.	Illinois OSHA should implement a tracking system to help ensure specific time frames are met, complaints are being screened as soon as possible upon receipt and supervisors are verifying applicable coverage requirements. Corrective action complete; awaiting verification.	FY 2015-08
FY 2016-09	Whistleblower intakes/complaints did not include documentation that an interview or telephone conversation was conducted with the complainant in accordance with the Illinois Whistleblower Investigations Manual Chapter 3.	Illinois OSHA should ensure that all telephone conversations with complainants are documented by way of a memorandum to file or on the case/activity log. Corrective action complete, awaiting verification.	FY 2015-09

Appendix B – Observations Subject to Continued Monitoring

FY 2016 Illinois Follow-up FAME Report

Observation # FY 2016-OB-#	Observation# FY 2015-OB-# or FY 2015-#	Observation	Federal Monitoring Plan	Current Status
FY 2016-OB-01	FY 2015-OB-01	The actual number of inspections was only 75% of the planned safety inspections (376 of 500) and 60% of health inspections (119 of 200).	OSHA will review actual number of inspections conducted on a quarterly basis and discuss quarterly progress with the State Plan.	Continued
FY 2016-OB-02	FY 2015-OB-02	Documentation for all actions taken during informal conferences was not included in one of the three case files reviewed. This included changes to citations and who participated in the conference.	During next year’s file review, a limited scope review of selected case files will be reviewed to determine if this item was addressed.	Continued
FY 2016-OB-03	FY 2015-OB-03	The Severity and Probability information lacked clarity due to contradictory information or the information was not clearly associated with the condition addressed in the citation.	During next year’s file review, selected case files will be reviewed to determine if this item was addressed.	Continued
FY 2016-OB-04		The “Percent In Compliance” level for Health inspections, SAMM #9, is 48.08%, exceeding the “further review level” of 42.82%.	OSHA will review the health inspection “percent in compliance” level on a quarterly basis and discuss quarterly progress with the State Plan.	New
FY 2016-OB-05		Whistleblower investigations averaged 258 calendar days to complete exceeding the further review level of 90 days as required in SAMM #14 and #16.	OSHA will review the average calendar days to complete 11(c) investigations on a quarterly basis and discuss quarterly progress with the State Plan.	New

Appendix C - Status of FY 2015 Findings and Recommendations

FY 2016 Illinois Follow-up FAME Report

Finding FY 2015-#	Finding	Recommendation	State Plan Response/Corrective Action	Completion Date	Current Status and Date
FY 2015-01	In 100% of the Petition for Modification of Abatement Date (PMA) requests information documenting interim worker protection during the abatement period was not included as required by Chapter 7 of the Illinois FOM.	Illinois OSHA should ensure that all PMA requests include information documenting interim worker protection during the abatement period.	On May 19, 2016, Illinois OSHA created a new PMA form that will help ensure that all PMA requests document interim worker protection during the abatement period.	May 19, 2016	Awaiting Verification 02/28/2017
FY 2015-02	In 37% (17 of 45) of case files reviewed, apparent violations were not addressed by a citation as required by Chapter 5 of the Illinois FOM.	Illinois OSHA should verify pre-citation review of case files focusing on identifying and ensuring all apparent violations are addressed through the citation process.	Training was conducted on August 23-26, 2016 for all staff members to help ensure pre-citation review of case files focus on identifying and ensuring all apparent violations are addressed through the citation process.	August 26, 2016	Awaiting Verification 02/28/2017
FY 2015-03	In 29% (13 of 45) of the files reviewed, citation classification was not supported by the information in the case file violation worksheet as required by Chapter 5 of the Illinois FOM.	Illinois OSHA should ensure case file violation worksheets describe the observed hazardous conditions or practices, including all relevant facts to support the citation classification.	Training was conducted on August 23-26, 2016 for all staff members to help ensure case file violation worksheets describe the observed hazardous conditions or practices, including all relevant facts to support the citation classification.	August 26, 2016	Awaiting Verification 02/28/2017
FY 2015-04	Adequate documentation of the information required to support the violations was not included in 75% (33 of 45) of the files reviewed.	Illinois OSHA must provide staff with appropriate training on the necessary elements needed to be documented to support each violation.	Training was conducted on August 23-26, 2016 for all staff members on the necessary elements needed to be documented to support each violation.	August 26, 2016	Awaiting Verification 02/28/2017

Appendix C - Status of FY 2015 Findings and Recommendations

FY 2016 Illinois Follow-up FAME Report

FY 2015-05	Documentation of adequate employer abatement was not included in 29% (11 of 38) of the case files reviewed as required by Chapter 7 of the Illinois FOM.	Illinois OSHA should ensure that employer abatement verification documentation, including abatement certification, documents, plans, and progress reports are included in the case file.	Training was conducted on August 23-26, 2016 for all staff members to help ensure that employer abatement verification documentation, including abatement certification, documents, plans, and progress reports are included in the case file.	August 26, 2016	Awaiting Verification 02/28/2017
FY 2015-06	Inquiry procedures associated with adequate abatement evidence (44% of the files reviewed) and employer abatement response times (56% of the files reviewed) were not adhered to in accordance with Chapter 9 of the Illinois FOM.	Illinois OSHA should ensure inquiry processing procedures are followed, to include appropriate response times and information needed to answer an inquiry from an employer, as outlined in Chapter 9, Paragraph G of the Illinois FOM.	Training was conducted on August 23-26, 2016 for all staff to help ensure inquiry processing procedures are followed, to include appropriate response times and information needed to answer an inquiry from an employer, as outlined in Chapter 9, Paragraph G of the Illinois FOM.	August 26, 2016	Awaiting Verification 02/28/2017
FY 2015-07	Whistleblower intakes/complaints, being dismissed as administratively closed, did not document supervisor concurrence nor did the closing letters to the complainants document the complainant's concurrence in accordance with the Illinois Whistleblower Investigations Manual Chapter 2.	Illinois OSHA should utilize administrative closure letters and review procedures in accordance with the Illinois Whistleblower Investigations Manual.	<p>From April 18 to April 22, 2016, Illinois OSHA whistleblower staff received technical assistance and training from OSHA whistleblower staff.</p> <p>On May 13, 2016 Illinois OSHA created administrative closure letter templates. The Enforcement Assistant Manager (EAM) reviewed procedures with designated whistleblower staff, and the EAM and designated whistleblower staff will ensure compliance with the Illinois Whistleblower Manual procedures.</p>	<p>Whistleblower training with OSHA: April 18-22, 2016</p> <p>Administrative closure letter: May 13, 2016</p>	Awaiting Verification 02/28/2017

Appendix C - Status of FY 2015 Findings and Recommendations

FY 2016 Illinois Follow-up FAME Report

FY 2015-08	Whistleblower intakes/complaints were not reviewed for protected activity, knowledge, adverse action and/or nexus and screened in a timely manner in accordance with the Illinois Whistleblower Investigations Manual Chapter 2. On average it took 5 ½ months to screen a complaint from the date of filing.	Illinois OSHA should implement a tracking system to help ensure specific time frames are met, complaints are being screened as soon as possible upon receipt and supervisors are verifying applicable coverage requirements.	<p>From April 18 to April 22, 2016 Illinois OSHA whistleblower staff received technical assistance and training from OSHA whistleblower staff.</p> <p>On March 23, 2016, Illinois OSHA implemented a tracking system to help ensure specific time frames are met, complaints are being screened as soon as possible upon receipt and supervisors are verifying applicable coverage requirements.</p>	March 23, 2016	Awaiting Verification 02/28/2017
FY 2015-09	Whistleblower intakes/complaints did not include documentation that an interview or telephone conversation was conducted with the complainant in accordance with the Illinois Whistleblower Investigations Manual Chapter 3.	Illinois OSHA should ensure that all telephone conversations with complainants are documented by way of a memorandum to file or on the case/activity log.	<p>From April 18 to April 22, 2016 Illinois OSHA whistleblower staff member received technical assistance and training from OSHA whistleblower staff.</p> <p>On May 13, 2016, the Enforcement Assistant Manager (EAM) reviewed procedures with designated whistleblower staff. The EAM and designated whistleblower staff members will ensure compliance with the Illinois Whistleblower Manual procedures. Whistleblower intakes/complaints now include documentation that an interview or telephone conversation was conducted with the complainant in accordance with the Illinois Whistleblower Investigations Manual Chapter 3.</p>	May 10, 2016	Awaiting Verification 02/28/2017

Appendix D - FY 2016 State Activity Mandated Measures (SAMM) Report

FY 2016 ILLINOIS OSHA Follow-up FAME Report

Fiscal Year 2016 is the first year since the transition from the NCR (OSHA’s legacy data system) began that all State Plan enforcement data has been captured in OSHA’s Information System (OIS). All State Plan and federal whistleblower data continues to be captured in OSHA’s WebIMIS System. Unless otherwise noted, the data contained in this Appendix D is pulled from the State Activity Mandated Measures (SAMM) Report and State Plan WebIMIS report run on November 14, 2016, as part of OSHA’s official end-of-year data runs. The further review levels for SAMMs 5, 8, 9, 11, 12, 15, and 17 have been negotiated to rely on a three-year national average. However, due to the recent transition to OIS, the further review levels for these SAMMs will rely on a one-year national average for one more year.

U.S. Department of Labor

Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)

State Plan: **Illinois – ILLINOIS OSHA**

FY 2016

SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
1a	Average number of work days to initiate complaint inspections (state formula)	7.18	5 days for safety; 10 days for health	Further review level is negotiated by OSHA and the State Plan.
1b	Average number of work days to initiate complaint inspections (federal formula)	3.20	N/A	This measure is for informational purposes only and is not a mandated measure.
2a	Average number of work days to initiate complaint investigations (state formula)	1.69	3	Further review level is negotiated by OSHA and the State Plan.
2b	Average number of work days to initiate complaint investigations (federal formula)	0.14	N/A	This measure is for informational purposes only and is not a mandated measure.

Appendix D - FY 2016 State Activity Mandated Measures (SAMM) Report

FY 2016 ILLINOIS OSHA Follow-up FAME Report

3	Percent of complaints and referrals responded to within one workday (imminent danger)	N/A	100%	N/A – The State Plan did not receive any imminent danger complaints and referrals in FY 2016. Further review level is fixed for all State Plans.
4	Number of denials where entry not obtained	0	0	Further review level is fixed for all State Plans.
5	Average number of violations per inspection with violations by violation type	SWRU: 2.16	+/- 20% of SWRU: 1.87	Further review level is based on a one-year national rate.
		Other: 0.77	+/- 20% of Other: .99	
6	Percent of total inspections in state and local government workplaces	100%	100%	Since this is a State and Local Government State Plan, all inspections are in state and local government workplaces.
7	Planned v. actual inspections – safety/health	S: 376	+/- 5% of S: 500	Further review level is based on a number negotiated by OSHA and the State Plan through the grant application.
		H: 119	+/- 5% of H: 200	
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	N/A	+/- 25% of \$2,279.03	N/A – This is a State and Local Government State Plan. Further review level is based on a one-year national rate.
	a. Average current serious penalty in private sector (1-25 workers)	N/A	+/- 25% of \$1,558.96	N/A – This is a State and Local Government State Plan. Further review level is based on a one-year national rate.
	b. Average current serious penalty in private sector (26-100 workers)	N/A	+/- 25% of \$2,549.14	N/A – This is a State and Local Government State Plan. Further review level is based on a one-year national rate.

Appendix D - FY 2016 State Activity Mandated Measures (SAMM) Report

FY 2016 ILLINOIS OSHA Follow-up FAME Report

	c. Average current serious penalty in private sector (101-250 workers)	N/A	+/- 25% of \$3,494.20	N/A – This is a State and Local Government State Plan. Further review level is based on a one-year national rate.
	d. Average current serious penalty in private sector (greater than 250 workers)	N/A	+/- 25% of \$4,436.04	N/A – This is a State and Local Government State Plan. Further review level is based on a one-year national rate.
9	Percent in compliance	S: 30.18%	+/- 20% of S: 28.85%	Further review level is based on a one-year national rate.
		H: 48.08%	+/- 20% of H: 35.68%	
10	Percent of work-related fatalities responded to in one workday	100%	100%	Further review level is fixed for all State Plans.
11	Average lapse time	S: 49.54	+/- 20% of S: 45.16	Further review level is based on a one-year national rate.
		H: 54.67	+/- 20% of H: 57.28	
12	Percent penalty retained	100%	+/- 15% of 69.86%	Further review level is based on a one-year national rate.
13	Percent of initial inspections with worker walk around representation or worker interview	100%	100%	Further review level is fixed for all State Plans.
14	Percent of 11(c) investigations completed within 90 days	0%	100%	Further review level is fixed for all State Plans.
15	Percent of 11(c) complaints that are meritorious	0%	+/- 20% of 24%	Further review level is based on a three-year national average.

Appendix D - FY 2016 State Activity Mandated Measures (SAMM) Report

FY 2016 ILLINOIS OSHA Follow-up FAME Report

16	Average number of calendar days to complete an 11(c) investigation	258	90	Further review level is fixed for all State Plans.
17	Percent of enforcement presence	N/A	+/- 25% of 1.26%	N/A – This is a State and Local Government State Plan and is not held to this SAMM. Further review level is based on a one-year national rate.